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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 CITY AND COUNTY OF SAN
17 FRANCISCO, et al.,

18 Plaintiffs,

19 v.

20 PURDUE PHARMA L.P., et al.,

21 Defendants.
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Case No. 3:18-cv-07591-CRB

**STIPULATION AND [PROPOSED]
ORDER PERMITTING REMOTE
LIVESTREAM OF TRIAL TESTIMONY
AND PROCEEDINGS**

Hon. Charles R. Breyer

Pursuant to the Court's February 1, 2022 Order Re Trial Protocols and Deadlines, ECF No. 1004, the parties respectfully submit this stipulation and proposed order:

1. Livestream. To ensure that the Parties and their counsel have safe and efficient access to the trial proceedings, this Court will allow the remote live transmission of those proceedings via a secure video livestream link. Courtroom Connect, or another vendor agreed to by all parties, will broadcast the trial proceedings to the permitted participants.

2. Access. In accordance with federal practice and procedure, the Court will strictly limit who can access the livestream and how they can do so. Access to the livestream link will be limited to the Track 4 Parties, including their counsel, support staff, and any expert witness that is permitted by the Court to hear other witnesses' testimony.¹ No other person shall have or be provided access. Passwords will have unique identifiers such that participants will be closely monitored. Parties are prohibited from sharing and/or disseminating the aforementioned passwords and the associated identifiers with any individual not specified in this Order.

3. Remote Participation of Counsel. While the Parties' expectation is that attorneys conducting primary examinations or presenting arguments will be present in the courtroom, where necessary or appropriate, counsel will be permitted on a case-by-case basis to participate in the trial remotely, via a secure video platform such as Zoom. The Court finds that these steps will help streamline trial, make it more accessible, and reduce COVID-19 safety concerns.

4. Health and Safety. The parties shall adhere to state rules, San Francisco rules and guidance, and Northern District of California orders regarding COVID-19 safety measures and precautions that may impact in-person attendance at trial.

5. Violations of this Order shall be subject to sanctions by this Court and to all other penalties provided by law.

6. Recording of Witness Examinations. The following set of rules shall govern recording of the livestream (*choose one based on contemporaneously filed joint statement*):

[] (*Plaintiff's Proposal*) This Court cautions that parties, counsel, and all other individuals who are granted access to the livestream of the trial proceedings in this matter are strictly prohibited

¹ For avoidance of doubt, the San Francisco City Attorney's Office (and its staff) are permitted to access this link.

1 from making any kind of recording of the proceedings, including audio recording, video
 2 recording or taking photographs of the livestream. The Court may, on a case by case basis, after
 3 considering the individual circumstances of a witness at issue, authorize the livestream vendor to
 4 record a witness's testimony for potential use in other proceedings.

5 [] (*Defendants' Proposal*) This Court cautions that parties, counsel, and all others individuals
 6 who are granted access to the livestream of the trial proceedings in this matter are strictly
 7 prohibited from making any kind of recording of the proceedings, including audio recording,
 8 video recording or taking photographs of the livestream.

9
 10 DATED: February 18, 2022

11 Respectfully Submitted,

12
 13 /s/ Mark P. Chalos

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ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

DATED: February 18, 2022

/s/ Mark P. Chalos
MARK P. CHALOS

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 18, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Mark P. Chalos

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